

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

JOSEPH DUNBAR,

Plaintiff,

v.

Case No. 2:15-cv-11573  
Hon. Denise Page Hood

DANIEL HEYNS, ET AL.,

Defendants.

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**ORDER DENYING LETTER REQUEST TO TRANSFER [Dkt. 24]  
AND APPLICATION TO PROCEED IN FORMA PAUPERIS [Dkt. 28]**

This action was dismissed without prejudice by order dated October 8, 2015, for Plaintiff's failure to correct filing deficiencies. [Dkt. 18]. In this order the Court explained that the time for correcting the filing deficiency had passed, and that if Plaintiff wished to pursue his claims he was required to re-file his complaint in compliance with the Court's filing requirements. Plaintiff's motion for reconsideration was denied on December 21, 2015. [Dkt. 23].

Plaintiff has now filed a letter with the Court, which will be construed as a post-judgment motion, seeking an order transferring him to a federal facility because Defendants continue to violate his constitutional rights. The Court again reminds Plaintiff that this case is closed. His present motion does not assert any grounds for reconsideration.

Plaintiff also filed an Application to Proceed *In Forma Pauperis* / Without

Prepaying Fees or Costs on Appeal. A court may grant leave to proceed *in forma pauperis* if it finds that an appeal is being taken in good faith. 28 U.S.C. § 1915(a)(3); Fed. R. App. P. 24(a); *See Foster v. Ludwick*, 208 F. Supp. 2d 750, 764-65 (E.D. Mich. 2002). “Good faith” requires a showing that the issues raised are not frivolous; it does not require a showing of probable success on the merits. *Foster*, 208 F. Supp. 2d at 765. Here, Plaintiff failed to correct the filing deficiencies and the case was dismissed without prejudice. The Court finds any appeal from the Court’s order is not made in good faith and is frivolous.

Accordingly,

**IT IS ORDERED** that Plaintiff’s motion for transfer [Dkt. No. 24] is **DENIED**.

**IT IS FURTHER ORDERED** that Plaintiff’s application to proceed *in forma pauperis* without prepaying fees or costs on appeal [Dkt. No. 28] is **DENIED**.

S/Denise Page Hood

Denise Page Hood

Chief Judge, United States District Court

Dated: March 24, 2016

I hereby certify that a copy of the foregoing document was served upon counsel of record on March 24, 2016, by electronic and/or ordinary mail.

S/LaShawn R. Saulsberry

Case Manager